

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> May 10, 2007
	<b>Section 29:</b> Conducting Background Checks for Foster Home Applicants	<b>Version:</b> 2

<b>POLICY [NEW]</b>	<b>OLD POLICY: N/A</b>
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The Indiana Department of Child Services (DCS) will complete a background check on all persons<sup>1</sup> who:

1. are applicants for a foster family home license.
2. reside in the prospective foster home<sup>2</sup>.
3. work or volunteer in the home and have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.

DCS requires Child Protection Services History checks on all persons aged 0 to 13 years who live in the household. This will be done for the purpose of assessing placement capacity and compatibility.

A background check for household members, employees and volunteers age 14 to 17 will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check
2. Indiana State Juvenile History
3. Sex and Violent Offender Registry
4. Child Protection Services History
5. Local law enforcement agencies (LEA)/county sheriff records

**Note:** No child under age 14 can be fingerprinted.

A background check for applicants, household members, employees and volunteers age 18 and older will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History (includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check)
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA)/county sheriff records

DCS requires background checks:

1. for every new household member<sup>3</sup>;
2. anytime the household has a new employee or volunteer who has or will have direct contact, on a regular and continuing basis, with children who are or will be under the supervision of DCS.

<sup>1</sup> This does not include children who are under DCS supervision.

<sup>2</sup> This includes any persons who, at the time the application is submitted, have been in the home for 21 days or longer. The 21 days do not have to be contiguous.

<sup>3</sup> DCS defines a new household member as anyone who has been in the home for 21 days or longer. The 21 days do not have to be contiguous.

**Note:** Effective July 1, 2007, employees and volunteers for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. The training time required by an employee or volunteer.
2. The safety and security of the children under the supervision of the applicant or licensee.
3. The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. The staffing concerns of the applicant or licensee.
5. Any other factor relating to the safety and security of the applicant's or licensee's operation.

There is a \$33 fingerprint processing fee per applicant and household member for all non-county-licensed family foster homes. The fingerprint processing fee for employees of the foster family home is \$39 and \$33 for each foster family home volunteer. The Central Office Background Check Unit must receive a certified check or money order made payable to the "Treasurer of the State of Indiana" to cover the cost of each applicant card submitted for processing. The DCS Background Check Unit will not process an applicant card if the appropriate payment is not received. The applicant may NOT submit this payment where the prints are taken. Payment to the Central Office Background Check Unit must be included with the application and fingerprint cards.

DCS requires the applicant/licensee to complete the background check process at initial licensure and relicensure.

DCS requires the licensee, household members and all employees or volunteers of the foster family home to complete a non-fingerprint-based criminal history check process at each annual review. For the purposes of foster home licensing annual review, a "criminal history check" will consist of the following criminal (or juvenile) and civil history checks:

1. Indiana State Limited Criminal History check.
2. Indiana State Juvenile History
3. Sex and Violent Offender Registry.
4. Child Protection Services History.
5. Local law enforcement agencies (LEA) / County sheriff records.

**Note:** Criminal history checks for the annual review process do not require fingerprints. Indiana Juvenile History checks are not required for anyone over the age of 22.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy, Chapter 2, [Confidentiality of Background Check Data](#).

DCS requires the applicant / licensee to notify the licensing worker within 24 hours of the arrest or conviction of the applicant / licensee or any household member.

Refer to separate policies, Chapter 12, [Receipt of Application](#), [Evaluation of Background Checks for Foster Home Licensing](#), [License Denials](#), and [Revocations](#).

#### Code References

<b>PROCEDURE</b>
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The licensing worker will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, Chapter 2, [Verifying Identity](#).
2. Complete a search for previous Child Protection Services (CPS) history and evaluate. Check and evaluate CPS records for **all other states** in which each individual is known to have resided for the past five (5) years. Refer to separate policy, Chapter 12, [Evaluation of Background Checks for Foster Home Licensing](#), [License Denials](#).

**Note:** For Indiana records, licensed child placing agencies (LCPAs) are unable to access this information and will need to send a copy of the [Request for a Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results. For out-of-state records, each state will need to be contacted to obtain CPS history.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years.
4. Search local law enforcement agency (LEA)/sheriff records for every county/state in which the individual is known to have resided for the past five (5) years.
5. Prepare the family for fingerprinting for the National Criminal History check by explaining the fingerprinting process. Refer to related information.
6. The licensing worker will complete the applicable sections on the [Application for Criminal History Background Check](#). Assist the applicant with completing the remaining information.
7. The licensing worker will instruct the applicant and other persons for whom a fingerprint check is required to get printed at the LEA/sheriff's office or Indiana State Police post or DCS fingerprint contractor.
8. Verify for accuracy and document receipt of all completed fingerprint cards, forms and payment before forwarding to the Central Office Background Check Unit. Confirm that the following information is completed legibly on the Fingerprint Card:
  - a. Signature of subject of check (Signature of Person Printed) in **black** ink.
  - b. Printed first and last name (include middle initial, if applicable).
  - c. Date subject was printed.
  - d. Reason printed. Use one of the following codes:
    - i. Emergency Placement IC 10-13-3-27.5.
    - ii. Non-Emergency Placement IC 31-9-2-22.5; and
    - iii. Foster Care Licensing IC 31-27-4-5.
  - e. Social Security number.
  - f. Sex, race, height, weight, eye color, hair color, place of birth and date of birth.

- g. County or agency name in "Reason Printed" box.
  - h. Correct payment for non-DCS family foster home applicants.
9. Make a copy prior to sending to the Central Office Background Check Unit.
  10. After receiving and reviewing the results of the state and national checks from ISP, the Central Office Background Check Unit will provide notice to the licensing worker informing the worker of the qualifying status of the applicant. The licensing worker must inform the applicant of the final determination. Refer to separate policies, Chapter 12, [Evaluation of Background Checks for Foster Home Licensing](#), [License Denials](#)

## PRACTICE GUIDANCE

- N/A

## FORMS AND TOOLS

- [Application for Criminal History Background Check, SF 53259/CW 3610](#)
- [Request for a Child Protection Services \(CPS\) History Check, SF 52802/CW 2128](#)

## RELATED INFORMATION

### **Preparing the Family for Fingerprinting**

The family case manager (FCM) must explain the following to the family:

1. All persons except children under DCS supervision living in the household age 18 and older must be fingerprinted as well as any employees or volunteers who have or will have direct contact, on a regular and continuous basis, with children who are or will be under DCS supervision in the home.
2. Fingerprinting may occur at a LEA/sheriff's office or Indiana State Police post or DCS fingerprint contractor.
3. Each person being printed must have a valid, government-issued identification document with him/her; (e.g., driver's license, Social Security card, birth certificate, passport, visa).
4. One copy of all completed forms must be presented to the agency taking the fingerprints at the time of fingerprinting.
5. After taking the fingerprints, the agency will give the completed fingerprint cards to the primary applicant. The applicant is responsible for returning the cards, along with one copy of all of the completed forms and payment, if applicable, to the local DCS office or LCPA.

### **Processing of Fingerprint Cards (for National Criminal History, Indiana Fingerprint-based Criminal History and Indiana State Juvenile History Reports)**

1. After being fingerprinted, the applicant returns the completed fingerprint card, completed forms, and if applicable, payment, to the local DCS office or LCPA, if working through an LCPA for foster family home licensing.
2. The local DCS office or LCPA documents the date and time that the cards, forms, and if applicable, payment were received and carefully checks all forms for accuracy. See [Sample Fingerprint Log Sheet](#).
3. The local DSC office or LCPA mails all cards, forms, and if applicable, payment to: Central Office Background Check Unit, Indiana Department of Child Services; 402 W. Washington St., MS 49; Indianapolis, IN 46204. **Note to local DCS office or LCPA:** It will be

necessary to use a sufficiently large envelope to avoid bending, creasing or folding the fingerprint cards. Cards cannot be processed if they do not arrive in good condition.

4. The DCS Central Office Background Check Unit delivers the cards to the ISP headquarters at Indiana Government Center North.
5. ISP headquarters forwards the fingerprint card to the Federal Bureau of Investigation (FBI). The FBI conducts the check and returns a report to ISP.
6. The DCS Central Office Background Check Unit retrieves the Indiana State Juvenile History and National Criminal History reports from ISP headquarters when they become available (usually within two weeks).
7. The DCS Central Office Background Check Unit evaluates the report within three (3) business days of receipt from ISP and will send a determination to the licensing worker.

### **Blank Fingerprint Cards**

Each local DCS office is responsible for providing nearby State Police posts, local law enforcement offices, and providers with a supply of blank copies of pre-printed DCS fingerprint cards. Local office directors or their designees are to contact the Central Office Background Check Unit when replacement cards are needed.

### **Special Fingerprinting Issues**

**Homebound:** If an individual is homebound and cannot appear at a facility for fingerprinting, the FCM is to contact the ISP post and request that an officer be sent to the individual's home to conduct the fingerprinting.

**Unreadable Prints:** For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, the Central Office Background Check Unit will send notification to the local DCS office where the child's case resides or to the LCPA that the subject must be reprinted. If the subject's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection.

### **Checking the Status of a Fingerprint-based National Criminal History Report**

To learn the status of a fingerprint-based National Criminal History Report, the FCM may contact his/her local office director or the director's designee. Each local office director has access to an Access Indiana database. The file is updated regularly with the date that the Central Office Background Check Unit receives the fingerprint-based report from ISP headquarters and the date the report was mailed to the local DCS office.

### **Disclosing National Criminal History Check Information to the Subject of the Check**

DCS may disclose the specific crimes that disqualified the subject of the check to the subject **if** the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was based.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

### **Disclosing State Limited Criminal History Check Information to the Subject of the Check**

DCS may provide a copy of the State limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

### **Indiana State Juvenile History**

This check will be initiated automatically when ISP receives the fingerprint card for the National Criminal History report. ISP will conduct the search and send the results to DCS Central Office Background Check Unit.

### **Indiana Limited Criminal History**

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the State of Indiana. Completeness of this information is based upon county participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. The user must submit a valid password to run the query. Results are immediate. For assistance with password issues, please email [FieldOps@dcs.in.gov](mailto:FieldOps@dcs.in.gov).

### **Additional directions:**

Please disregard the request for Client ID (it is an optional field). Do not agree to a fee if you are asked. This is an indication that the login was incorrect at the first screen. Answer the following questions in this manner:

- 1) Do you have not-for-profit status? NO
- 2) Do you have an ISP customer number? NO
- 3) Are you currently an Access Indiana subscriber? YES

### **Sex and Violent Offender Registry**

This is a registry of individuals who have been convicted of sex and/or violent crimes. For Indiana, the link is: <http://www.insor.org/insasoweb/> For all other states, the link is: [www.fbi.gov/hq/cid/cac/states.htm](http://www.fbi.gov/hq/cid/cac/states.htm). This registry is a public record.

### **CPS History**

In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and all hard copy records. The CPI database is accessible through ICWIS or online at <http://www.in.gov/dcs/protection/online services.html>. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request: [http://www.acf.hhs.gov/acf\\_contact\\_us.html#regions](http://www.acf.hhs.gov/acf_contact_us.html#regions).